

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**CIVIL MINUTES – GENERAL**

Case No. 2:22-cv-06095-FLA (SKx)

Date October 31, 2022

Title McGuken v. JJOK, LLC, et al.

Present: The Honorable	FERNANDO L. AENLLE-ROCHA UNITED STATES DISTRICT JUDGE
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T. Freeman

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceeding: (IN CHAMBERS) ORDER DENYING REQUEST FOR ENTRY OF
DEFAULT AGAINST DEFENDANT JJOK, LLC [DKT. 13]**

Ruling

On October 18, 2022, Plaintiff Elliot McGuken (“Plaintiff”) filed a Request for Entry of Default Against Defendant JJOK, LLC (“Request”), requesting the court enter the default of Defendant JJOK, LLC (“Defendant”). Dkt. 13. Plaintiff states he served the operative Complaint and Summons on Defendant on August 30, 2022, and submits an Affidavit of Service in support of the Request. Dkt. 11.

The Affidavit of Service states Defendant was served on August 30, 2022 at 283 Commack Road Rm. 210, Commack, NY 11725, through service on “Alissa Doe,” who is identified as the Registered Agent for JJOK, LLC c/o Kaleb & Rosenfeld P.C.

The Complaint (erroneously captioned as a “First Amended Complaint”) alleges Defendant is a North Carolina limited liability company. Dkt. 1 at 5. A review of the North Carolina Secretary of State website indicates that JJOK, LLC is a dissolved limited liability company, which was located at 8480 Honeycutt Rd. Suite 200, Raleigh, NC 27615, whose registered agent of service was “Brittany Denton.” Plaintiff does not present any explanation for why he served Kaleb & Rosenfeld P.C. in New York, instead of the registered agent for Defendant in North Carolina.

While the New York Secretary of State website contains a listing for an entity named JJOK, LLC, that listing is for a New York domestic limited liability company—not a North Carolina limited liability company as is named in the Complaint. Plaintiff does not present any evidence to establish that the New York JJOK, LLC is the same or a successor entity to the North Carolina JJOK, LLC. Plaintiff, thus, fails to demonstrate that service on the New York JJOK, LLC is sufficient.

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Furthermore, the listed agent for service of process for the New York JJOK, LLC is “Kalb & Rosenfeld P.C.,” and the listed address is 284 Commack Road, Commack, NY 11725. As the Affidavit of Service states that service was performed on “Kaleb & Rosenfeld P.C.” at 283 Commack Road, it is unclear whether service would have been proper—even if the New York JJOK, LLC were the same or a successor entity to the North Carolina limited liability company.

Accordingly, Plaintiff’s Request for Entry of Default (Dkt. 13) is DENIED without prejudice.

IT IS SO ORDERED.

Initials of Preparer tf _____